

ATTACHMENT 9: “8 ACTUAL INNOCENCE.pdf”

For “MEMORANDUM OF STELLA FORINASH AND KENNETH FORINASH IN FAVOR OF ACTUAL INNOCENCE OF BRIAN DAVID HILL; IN SUPPORT OF WHY BRIAN DAVID HILL SUSPECTS BLACKMAIL OF “JUDGES” AND “OFFICIALS”; AND IN SUPPORT OF GROUND VI - UNCONSTITUTIONAL INTERFERENCE WITH THE STATE COURT PROCESS AND/OR UNWARRANTED USURPATION OF POWER AGAINST THE STATE COURT PROCESS IN VIOLATION OF THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION; AND IN SUPPORT OF 2255 MOTION (DOC. #291)”

Case no. 1:13-cr-435-1; civil no. 1:22-CV-00074

Ally of Q, Former news reporter of USWGO Alternative News
JUSTICEFORUSWGO.WORDPRESS.COM



BRIAN DAVID HILL'S ACTUAL INNOCENCE

Presented to this court by his Family with all PROOF Documents in these PDF's:

"Brian Hill's Proof of Evidence for the Court in 2022" (47+ pages); "Who is Brian Hill – Pictures & Descriptions" (22 pages); "Brian's treatment in jail with Brittle Diabetes, Autism & OCD" (29 pages); "Threats" (19 pages); "Investigation 1" (38 pages); "Investigation 2" (37 pages); "Danville, VA – Brian – Discovery" (16 pages) and this PDF: "Actual Innocence" (32 pages).

United States v. HILL
Recommended Ruling - Magistrate Judge – Document #210
District Court, M.D. North Carolina
Docket Number: 1:13-cr-00435
Date Filed: October 21st, 2019

g. The Merits

As explained above, all of Petitioner's grounds are time-barred! However, if the Court were to reach the merits of Petitioner's grounds for relief, it would deny them.

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This proof is all from the INVESTIGATION of Brian and his family (mother & 2 grandparents) with proof documents & witnesses. His grandmother is typing this to present to the court. It's time this court actually read all evidence because it is a cardinal principle of our system of justice that every person accused of a crime is presumed to be innocent unless and until his or her guilt is established beyond a reasonable doubt. The presumption is not a mere formality. It is a matter of the most important substance. The presumption of innocence alone may be sufficient to raise a reasonable doubt and to require the acquittal of a defendant. The presumption of innocence until proven guilty means that the burden of proof is always on the government. It is now time with all of this proof to have Brian David Hill removed from the sex registry, probation and acquitted. A verdict of not guilty constitutes an acquittal. In other words, to find a defendant not guilty is to acquit. At trial, an acquittal occurs when the jury (or the judge if it's a judge trial) determines that the prosecution hasn't proved the defendant guilty beyond a reasonable doubt.

BRIAN'S 2255 Motion in November, 2017 with his PROOF & WITNESSES PROVES that BRIAN IS INNOCENT of downloading child porn. Brian is guilty of having AUTISM & BRITTLE TYPE 1 DIABETES causing him to give a FALSE CONFESSION in 2012 at lunchtime when 2 police officers questioned him alone without obeying the AMERICANS with DISABILITIES ACT.

We have proven to this court that Brian David Hill gave false information during the police interrogation on 8/29/2012. He told the police that he had downloaded files for a year or so which did not match with the evidence from the Mayodan, NC police department or with the NC SBI report from Greensboro, NC. The police report said that child porn was being downloaded from July 20, 2012 until July 26, 2012 which is one week NOT a year or so. The report from the NC SBI does say that "Items of Interest" were being

downloaded for a year: from July 20, 2012 until July 28, 2013. This does not agree with what Brian said. According to this report, it was being downloaded for 1 month and 1 week while this computer was in Brian's possession. There was a police raid in Brian's house, and the Mayodan police got this computer on August 28, 2012. For the next 11 months the police and NC SBI had it, so both reports prove that Brian did not give correct information. None of them gave photo proof of actual child porn. Brian did tell the police when they asked if he had any other computer that had child porn in it that he had a net book that they did not get during the police raid the day before. Police picked it up on August 29, 2012, but it did not have child porn in it which means that Brian did not give correct information here either. The only things according to the SBI that had "Files of interest" in them was Brian's laptop computer, 2 external hard drives connected to that computer and 1 USB stick connected to that computer. This means that during the police interrogation (confession CD) Brian could not be guilty of downloading child porn because his statements do not agree with law enforcement facts. Please read the PDF "Brian Hill's Proof of Innocence for the Court in 2022" (47 pages).

Brian told the police that he liked to go to Walmart and watch little girls. This was another false statement due to the fact that Brian does not own or drive a vehicle due to brittle type 1 diabetes causing insulin reactions and diabetic seizures. His mother takes him everywhere. Three witnesses (Brian's mom and two grandparents) testified under oath in affidavits to this court that this is another false statement. Please read the PDF "INVESTIGATION 1" (35 pages).

The real guilty parties here are Brian's autism and brittle type 1 diabetes causing him to give misleading statements and a false confession during this lunch time police interrogation. The 2nd guilty party are the 2 police detectives who ignored the "Americans with Disability Act" laws causing the misleading statements and false guilty statements. The real guilty party is the one (ones) who sent the threat messages claiming that they put that child porn virus on Brian's computer and hard drives so he won't say anything more on the Internet, go to jail to be tormented and will be on the sex registry. Please read the PDF "THREATS" (19 pages).

Brian should have never been arrested. The prosecution had this information which proved they got a false confession not a true confession. Brian's disabilities were arrested because they caused the false confession due to this local police department ignoring the "Americans with Disabilities Act" which Brian has at least 4 disabilities covered: Brittle type 1 diabetes, seizures, autism spectrum disorder (ASD) and OCD with medical records to back this up. I don't think the federal laws "Americans with Disabilities Act" nor would the "Civil Rights" laws allow someone to be arrested due to disabilities.

We have copies of the Mayodan, NC police report from August 22-29, 2012. Police interviewed a 22 year old brittle type 1 diabetic who also has autism & OCD a day after a traumatic event, a police raid where the police chief kept telling Brian to "Fess up to downloading child porn or his mom will be charged" in front of Brian's mom & grandparents. As we were watching this very same police chief made Brian leave the Mayodan town hall meeting. Yes, the Mayodan police chief was well aware of who Brian was. Brian had put a video on his USWGO of this same police chief. Don't take our word for it, watch this 27 second video and notice the date: July 10, 2012. Notice the Rockingham Reporter is still there. This was a public town hall meeting.

<https://www.youtube.com/watch?v=Gau-QgLBhEg>

If you have an hour to spare, you can watch this same police chief watching Brian for an hour during that meeting, and you can hear at the beginning of this meeting what Brian said from the

Rockingham Update. July 9, 2012 Mayodan Town Council Meeting.

<https://www.youtube.com/watch?v=e2w7FsKiiQ8>

Then for the first time ever according to the Mayodan police & the NC SBI, child porn is downloaded on Brian's computer on July 20, 2012 (11 days later). Then the North Carolina State Bureau of Investigation said it continued being downloaded until July 28, 2013. The police got this computer on August 28, 2012. According to Attorney Placke on September 30, 2014 he was handing over the Discovery papers & CDs to the prosecution: Police report from 2012 & NC SBI Report from 2013. Brian came home from the local town hall meeting, put this video up and Brian (USWGO) wrote some articles about it on July 10, 2012; Child Porn on his computer on July 20, 2012; Police report Aug 22, 2012 & police hack into his computer; Police raid Aug. 28, 2012. Child Porn still downloading on July 28, 2013 according to NC SBI in Greensboro, NC. Does this all really sound normal to you and like he is guilty or a setup like all of the threats said?

Yes, on August 28, 2012, this same police chief knocked on my daughter's door and led us all out (Brian, his mom & his 2 grandparents) so we could stand on the front porch while several local police went through everything in their home for hours and removed as much as possible from their home, all of USWGO articles, investigations and videos along with all of their vacation photos & videos. Now we understood better why Brian had been fighting that virus all morning. We had seen USWGO get hacked many times, but this day was a lot worse.

Did you notice these dates? Can you not see a set up here? The police knew Brian from town hall meetings and town events and knew he had autism and brittle type 1 diabetes. They photographed his insulin pen the day before this interrogation along with the laptop, one hard drive and the USB stick that had the child porn virus in them. Case 1:13-cr-00435-TDS Document 132 Filed 11/14/17 Page 39 - 40 of 103. They asked my daughter to stop by the police station to get the inventory records of things taken the next morning. They knew we all had plans the next day. Brian and his mom had planned to eat breakfast after picking up the inventory list of all of the items removed from their home. They were supposed to come to Martinsville, VA after picking up the inventory to have lunch with Brian's grandparents. When they didn't show up, Brian's grandparents went back to Mayodan at lunch time. The police had just finished interrogating Brian without checking to make sure his glucose was ok. Proof is in the police report.

Take time to read this 3 page PDF. We will highlight the reasons that the police who disobeyed the law "Americans with Disabilities Act" as well as Brian's Civil Rights and Constitutional Rights got a false guilty plea and weird statements from him. If you don't believe us, take time to listen to the tape with a professional in autism to see if Brian was simply repeating what the 2 police said and not making sense as his blood glucose was probably very low. Then notice that the police changed their wording from downloading "Files" to Downloading Child porn Files". Notice Brian's answer "1 year or more". Read that the Mayodan police report said 7 days. Notice the NC SBI report showed 1 month and 1 week and another 11 months after the police confiscated it. Then notice Brian said he had another computer with it (Netbook). The police confiscated the netbook on August 29, 2012. Compare the inventory number, and you will find no child porn on that. Brian's mom made sure by asking Brian's 2nd attorney who checked and told us "No child porn on that". There are 2 false guilty statements easy to prove yet 3 federal attorneys did not find this or are covering it up. Brian's grandparents told the court in person on September 30, 2014 that Brian has autism and is like a child himself, does not like being around children and that he is innocent. Plus Brian's mom & grandparents told the court in November, 2017 in Brian's 2255 that Brian is not into children in any way. Notice what the police report said on August 22, 2012. Brian read it the day before and told the police what they wrote that someone who is looking for child porn would find repeating what they wrote and he read the day before almost to the letter. Case 1:13-cr-

<https://www.polfed.org/WestMids/media/1938/interview-and-interrogation-of-people-with-autism.pdf>

Dennis Debault is the one who trains police in America and other countries how to interview people with autism and what happens when they are not questioned correctly.

We've already told you who Dennis Debault is. You can find out more yourself by reading this: <https://autismriskmanagement.com>

Interview and Interrogation of people with autism (including Asperger syndrome)

By Dennis Debbaudt

Misleading indications of guilt

In most cases this will involve an individual who apparently communicates very well and has achieved a high level of independence in the community. They may possess apparently normal verbal skills but be deficient in comprehension, social awareness, and decision-making. They may appear as quite normal at first, but the symptoms, behaviours, and characteristics - for example, providing blunt or tactless answers, changing the subject, or being unable to understand or accept a rational answer - will become apparent to the educated investigator. However, without an understanding of the disability it will be easy to misinterpret the information provided as an indicator of guilt. The interviewer may mistake this unusual eye contact as a tension-relieving technique used by a guilty person, when it is nothing more than a symptom of the condition of autism. When stressed, communications skills may diminish or disappear. Answers may seem evasive or unconnected to the question that was asked. What started as a routine fact-gathering task may turn into an unnecessary interrogation because an officer, unfamiliar with the behaviours of ASDs may have had their law enforcement instincts rightfully aroused.

THAT IS WHY IT'S IMPORTANT TO NOT QUESTION SOMEONE WITH AUTISM ALONE, HAVE SOMEONE WITH HIM OR HER WHO UNDERSTANDS AUTISM TO GET CORRECT ANSWERS AND AVOID WHAT ALL OF US HAVE BEEN THROUGH!

Possible traps when interrogating a person with autism

'Only one important qualification has been attached to the rule; the trickery or deceit must not be of such nature as to induce a false confession'. The higher-functioning person through his or her responses, and the unaware interrogator through their beliefs, may become unwitting accomplices to continuing a faulty investigation in the best case or, in the worst case, to extracting a false confession. The following are some possible traps that interrogators can fall into when conducting the interrogation of a person with autism.

Memory Skills

Brian read the police report the day before when it gave the words that someone would look up to get child porn and what it means. From what we read on August 29, 2012, they asked Brian that question, and Brian read the police report from memory, just like they wrote it on their August 22, 2012 report. This is part of the discovery. Read it. What are the odds that someone would answer just like they wrote it? This is what Dennis says about that: Interrogators should understand that the person with autism may

have highly developed memory skills. The person may have learned to commit facts or the statements of others to memory: The individual may be more proficient in his or her expression of these facts than in comprehension of them. He or she may have developed a sophisticated form of echolalia, echoing and repeating the words of others. For example, the person with autism could memorize the allegations of a citizen overheard at the scene, facts inadvertently provided by a first-responding officer, and details of some of the circumstantial evidence that an interrogator has revealed during questioning. Under these circumstances, the person with autism could provide a very convincing untrue statement or false confession. At the least, this knowledge could be misconstrued as real familiarity of facts that only a guilty person could know.

The Interrogator as Authority Figure

We as a family are guilty here in having a lot of respect for all police. This did change for us on August 28, 2012 while communicating with the Mayodan police chief, but during this interrogation by the 2 detectives, Brian did respect them. They started out by telling him that they read his USWGO web page and liked it. 2 police detectives & Brian by himself. Persons with autism may have been conditioned through their lifetime to look to authority figures to make many of life's important decisions for them. They have learned to depend on and trust these authority figures to be right. The interrogator may be viewed as another authority figure that is always right. 'If he thinks I robbed the bank, maybe he's right' is a conclusion that the confused person with autism may develop during an interrogation.

Friendly-Unfriendly

Persons with autism may have a hard time developing friends. Although they may not have learned how to make a friend, this will not stop them from trying. The interrogation techniques of friendly-unfriendly interrogators have the potential to produce false confession from such persons. The person with autism may involuntarily give an interrogator the impression that he or she is apathetic, and may deny guilt because he or she is innocent. The friendly interrogator may convince the trusting individual that they are, truly, their friend. The person with autism has now just made a new friend, and 'if my friend wants to know about me robbing a bank, then I'll tell him just to keep him around.' Rather than telling the truth, the person will tell his or her 'friend' what he or she thinks they want to hear.

Concrete Thinkers

They are naturally guileless and very honest. They are not very able liars. They expect others to be honest and they can become confused or disappointed when they are not. We have learned that persons with autism may not have a complete understanding of what is expected of them, or the consequences of their actions. They may not understand how serious the consequences of the confession will be for them. They may be led to believe that lying is what is expected of them.

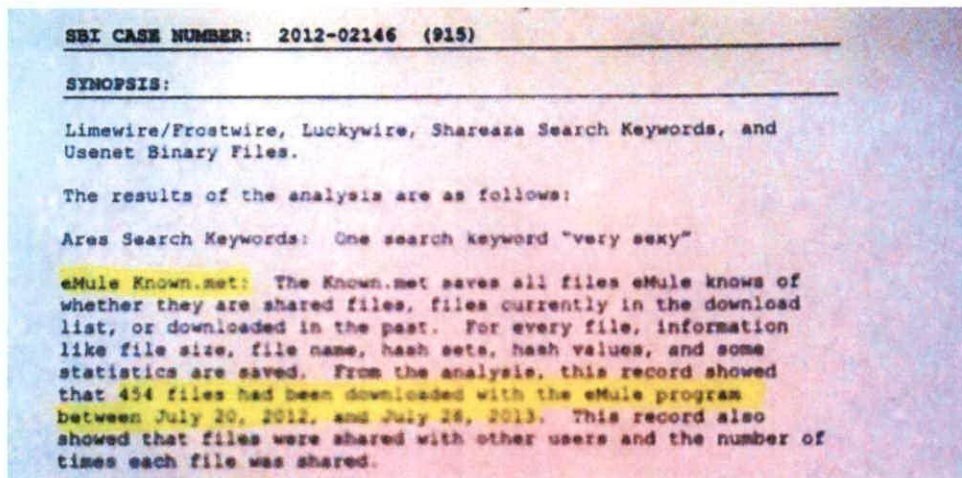
Poor Liars

An interrogator may seek an admission of lying about any part of the alleged offence. The person with autism may try to respond to this new friend or authority figure with what he or she believes is the reply that is wanted. the honest-to-a-fault but innocent person with autism may answer 'Yes', as opposed to the characteristic answer of , No' from an innocent person. The 'normal' person would not consider answering yes. An interrogator should ask a series of unrelated questions to determine the person's ability and potential for lying.

Tips for the interviewer/interrogator

Seek the advice of a psychiatrist or psychologist who is familiar with autism. Consider contacting a specialist in autism from outside the criminal justice system. Like the old adage, if the statement or confession is too good to be true, it probably is. Below: Mayodan, NC police in August, 2012

Detectives determined the IP address 24.148.156.211 was first logged into the Child Protection Systems (CPS) undercover system by the automated tools on July 20, 2012 offering to participate in the distribution of child pornography. Between July 20, 2012, and July 26, 2012, the IP address 24.148.156.211 was logged, showing a continual pattern of child pornography, by the automated tools.



NC SBI report July 20, 2012-July 28, 2013 (Police got computer Aug. 28, 2012)

On Wednesday, October 3, 2012 at 1000 hours, I met with North Carolina State Bureau of Investigation Special Agent Rodney White (SA White) at his office and discussed this case.

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Supervisor: BRIM, C. T. (374)

Supervisor Review Date / Time: 10/13/2013 11:00:00, Sunday

Contact:

Reference: Investigative Progress

I recovered property from NCSBI Special Agent Rodney White. SA White processed the digital evidence and found sufficient evidence to warrant a federal indictment. The property will be stored in the department's evidence room. The remainder of the digital evidence will stay in SA White's custody.

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Case 1:13-cr-00435-TDS Document 136-3 Filed 12/04/17 Page 4

To make it worse, Brian has brittle type 1 diabetes, and these two detectives are questioning him at lunch time without making sure his glucose is ok. Brian is covered under the "Americans with Disabilities Act" with 4 disabilities in one body: Brittle Type 1 Diabetes, Seizures, Autism Spectrum Disorder (ASD) and OCD. The courts take this further by ignoring him, his disabilities and his family. Brian does not drive a

car due to his insulin reactions which appear quickly & diabetic seizures. His mom is with him most of the time and his grandparents are with him a lot.

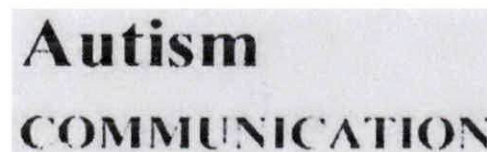
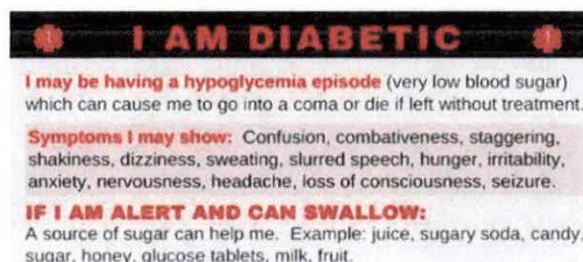
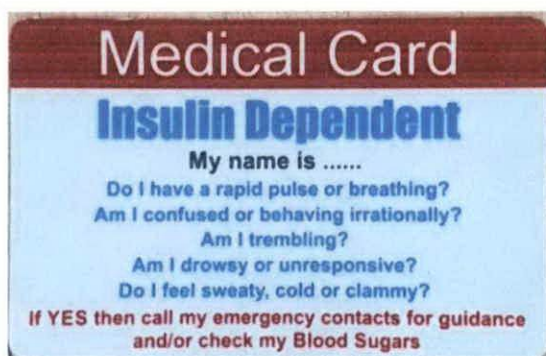
Web MD: **Conditions That Cause Sudden Confusion:**

Many conditions or health problems can cause sudden confusion, and some are more serious than others: They include: Alcohol or drug abuse, Carbon monoxide poisoning, Diabetes (especially low blood sugar or high blood sugar levels). Brian was all alone while 2 police interrogated him while his mom was in another room at the police station on August 29, 2012 at lunch time.

Persuaded False Confessions

Persuaded false confessions occur when police interrogation tactics cause an innocent suspect to doubt his memory and he becomes temporarily persuaded that it is more likely than not that he committed the crime, despite having no memory of committing it.²⁰ Persuaded false confessions typically unfold in three sequential steps. First, the interrogator causes the suspect to doubt his innocence. This is typically a by-product of an intense, lengthy, and deceptive accusatorial interrogation in which the interrogator repeatedly accuses the suspect of committing the crime, relentlessly attacks the suspect's denials (as implausible, illogical, contradicted by the known facts, or simply wrong because of the interrogator's alleged superior knowledge or authority) and repeatedly confronts the suspect with fabricated (but allegedly irrefutable) evidence of his guilt. When first accused, the innocent suspect thinks that his interrogators are genuinely mistaken, and he counters by attempting to reason with them and persuade them of his innocence. At some point, however, the suspect realizes that they are not going to credit his assertions of innocence. He may then begin to experience dissonance because he cannot reconcile the obvious contradiction between his knowledge that he is innocent and his belief that the police are truthfully

<http://jaapl.org/content/37/3/332>



IN CRIMINAL JUSTICE SITUATIONS

- May not understand rights or warnings
- May become anxious in new situations
- May not understand consequences of their actions
- If verbal, may produce false confession or misleading statement

Brian was arrested. When someone is arrested, they are allowed bail if not a flight risk or a danger to anyone. They are also appointed an attorney. Brian is also guilty of being appointed attorneys who were lazy, ineffective & ignored the proof of his innocence. The first attorney called Brian's family in the evening the night before Brian's trial and told them they basically had 2 choices: Tell Brian to say he is guilty so he can come home, or if he continues saying he is innocent, then he will spend 20 years in prison. The second attorney after finding out that the discovery actually proved Brian was innocent made sure Brian & his family knew that he would make sure Brian didn't get the discovery. Brian is guilty of

following the advice of his attorney who persuaded Brian's family to tell Brian to say guilty due to the fact that his court appointed attorney ignored all of the proof of his innocence, his disabilities and ignored all witnesses and had no proof or witnesses to offer the court in Brian's defense which is a clear violation of Brian's 6TH Amendment Right of the U.S. Constitution. Brian has autism spectrum disorder (ASD) which is a communication disability. He can actually hear what is said to him, but many times the words do not get to the brain. Some have explained this to me that it's like when you listen to the radio, and there is a lot of static, words come and go. Brian has become very good in answering "Yes" to most questions even though he only hears a certain part of what is said on some days. We have had a lot of experience in telling Brian things, thinking he understands only to see him do the opposite of what we told him. He is more visual, but with his being a brittle type 1 diabetic, and if his glucose is high due to not getting enough insulin, he can't read as well. Most or all of the time he was not given any insulin on court days, and his blood glucose was really high (400s – 500s) during court days. The normal blood glucose is 140-200. We blame the attorney and the court for this 2nd guilty plea because this court also ignored the Americans with Disabilities Act and refused to get a medical expert to explain to the court about Brian's disabilities. Please read the PDF "Brian Hill's Proof of Innocence for the Court in 2022" (47 pages).

Due to a lazy, ineffective attorney who did not get bail for Brian. He violated Mr. Hill's 8th Amendment Right to not have cruel and unusual punishments inflicted. Brian was subject to "Cruel and Unusual punishment" due to 11 months of torture in various jails. Read PDF "Brian's Treatment in jail with brittle diabetes, autism and OCD" (29 pages). This is a violation of Mr. Hill's Civil Rights. It also violated his 5th, 6th and 14th Constitutional Amendments Rights. Please read the PDF "Who is Brian Hill – Pictures & Descriptions" (22 pages) as well as the PDF "Brian Hill's Proof of Innocence for the Court in 2022".

This same ineffective attorney should have questioned why 2 police officers would hack into a personal computer without first obtaining a search warrant. This violated Brian's Fourth Amendment right to be secure against unreasonable searches and seizures and also violated Brian's statutory privacy laws. Before any police officer is allowed to hack into or go into a person's private computer, they are required to get a search warrant from a judge with proof of probable cause. Please read the PDF "Brian Hill's proof of innocence for the court in 2022".

This same court appointed attorney now had the discovery and the time to read what Brian said during the interrogation. How long did Brian say he was downloading files? How long did the police say that files were downloaded? How long did the NC SBI say that files of interest were downloaded? Did the reports agree with what Brian said? The police asked Mr. Hill if there were any other computers that he used to download. He named one. Let's check to compare this serial number to see if there actually were child porn files in it. That way we'll know if Mr. Hill's statements are true or if he gave a false confession due to his disabilities. Not doing this would violate Brian's 14th amendment right to a due process.

Attorney Placke went further and violated Brian's 6th amendment right to discovery. He did not let Brian read the NC SBI part of the discovery. He refused to let Brian's family read it or hear the confession tape. If we had, we would have pointed out to him the dates of download, and from there he could have presented the virus to the court as well as the threat emails. We have gone to web pages of private attorneys who talk about this child porn VIRUS, and we contacted many in 2012 and 2013 and were told that it could cost us up to \$300,000 to obtain an attorney. We did not have that money. My husband and I were retired, on social security, disabled unable to work. Brian and his mom were both living off of Brian's disability money (SSI Social Security) from 1992-2012 which was under \$700.00 a month, living in hud housing with food stamps and Brian's Medicaid at the time of the police raid. Brian's mom was unable to work due to Brian's disabilities requiring most of her time especially the brittle type 1 diabetes

with seizures. Brian's main hobby at the time was his USWGO webpage and taking nature photos. In 2012 after they moved to Martinsville, VA, Brian's mom found out about the Medical Medicaid Waiver while applying for Virginia Medicaid for Brian. He was immediately approved. Since Roberta had been taking care of his medical needs for 22 years at that time, she was offered the job and was now being paid minimum wage for 40 hours a week and was living in her own apartment and Brian was living in his own apartment and continued receiving his SSI disability check per month. We were all living in my husband's and my 4 apartment house from 2012-2016.

None of us had the money for a private attorney and had no choice but to rely on a court appointed attorney, but by June, 2014 we were all aware that a lazy, ineffective attorney acting like a prosecuting attorney is actually worse than no attorney at all. Brian filed many pro se motions which were denied due to his having an attorney. We watched all of his constitutional, disability and Civil rights being denied him due to this ineffective attorney. None of us knew about the down load dates from the NC SBI until January, 2015. His trial date was on June 10, 2014. Now we will point other ways with proof that Mr. Hill had a lazy, ineffective attorney. We already have proved that he should have gotten bail for Brian because Brian had a lot of proof in his apartment but was not allowed to come home and get that proof (Please read our PDF called "Who is Brian Hill – Pictures & Descriptions"). Brian David Hill was denied bail and suffered the worse kind of torture in various jails in NC because they refused to give him his daily shot of slow acting insulin which covered 24 hours per day and other things. He was denied this insulin for months. For proof see the PDF called "Brian's Treatment in Jail with brittle diabetes, autism and OCD".

Brian was refused his 6th amendment right to due process and an effective attorney.

Attorney Placke refused any proof of Brian's innocence that Brian and Brian's family and friends had. As soon as we found out that Brian had an attorney, we started sending him information in emails about Brian's disabilities and other proof and told him that we were willing to send him anything else he needed because we knew that Brian was innocent. We knew that many of his friends also knew Brian was innocent and were also sending emails to him of proof. One of his friends set up a facebook support page for us and his friends to work on the proof together as soon as they found out that Brian was arrested.

Jan 10, 2014 at 4:56 PM

Finally, in the email you sent earlier today, you mentioned getting a copy of the evidence I have received from the government. While Brian would certainly like to authorize that, he cannot. The rules governing discovery, and various other ethical and legal considerations, tightly restrict access to such information. I will review what I have received from the government with Brian, and give him all the time he needs to examine it in my presence. However, I cannot even give him a copy, and I cannot discuss it with third parties.

Assistant Federal Public Defender

My husband called Attorney Placke on the phone asking questions about the discovery. He got frustrated with the questions and told my husband it didn't make any difference that Brian wanted us to see the discovery, we were not allowed to see it, then he sent us an email telling us we were not allowed to see the discovery. We found out after Brian came home that he didn't show it to Brian either. All he wanted

to do was have Brian listen to the confession tape with him, showed Brian the part of the Mayodan police report with Brian's signature stating that he was guilty. If Brian didn't hurry up and do that, he would have had a diabetic seizure right there at the police station and would have been in a coma from not eating or having anything with sugar. This attorney also ignored Brian's autism the entire time. Brian was very anxious to see the NC SBI discovery. He already had copies of the police records (not the confession tape though).

We all found out in 2015 that Attorney Placke had deleted all of the attachments we sent to him about Brian's disabilities and our proof that Brian was innocent and proof of Brian's USWGO webpage that was an alternative news site which Brian did as a hobby and proof that Brian had been attending Mayodan town hall meetings and had been writing articles which upset the ones who went after him with child porn and copies of 2 threat emails that they put the child porn on his computer and hard drives. Brian told him the same thing. On June 9, 2014 in the evening before the court was going to choose a jury, we found out that his attorney had nothing to offer the court in Brian's defense, no proof, no witnesses, and he told us the jury would not know that Brian had autism, and we could not be witnesses for Brian. He said that Brian was going to court determined to say that he was innocent. He would lose because his defense attorney had nothing, and the prosecution had the discovery where Brian admitted to downloading child porn. We would have to tell Brian to say he's guilty of possession or Brian would get 20 years in prison. We had no choice but to tell Brian to say "Guilty" even though we all knew he was innocent, and Brian went to court that day planning to tell the court that he was innocent.

Here are some of the reasons why: Brian called us a lot so we knew about the low blood glucose (probably had a seizure and was probably unconscious when they found him). He saved sugar packets for his diabetes. It went low. You will see this proof in our PDF "Brian's Treatment in Jail with brittle diabetes, autism and OCD". Brian started eating the sugar. The guards took the sugar away from him. He fought with the guards to get his sugar. They took all of his clothes off from him and put him in an area that contained human feces. Later either an RN nurse or a doctor was called in. Knowing about Brian's many insulin reactions and diabetic seizures, he either was having a seizure or probably was in a coma when the guards checked on him. You will see where Brian wrote that his blood glucose was low, and he needed something to eat on May 25, 2014, and a nurse signed that she received it on May 26, 2014 and there is an RN nurses' note to make sure that Brian has something sweet when his glucose is low, etc.

Brian tells about that experience in this court document: Case 1:13-cr-00435-TDS Document 128-2 Filed 11/14/17 Page 19 – 21. Cone Hospital in the same document Page 29 – 31. We were also aware that Brian was only receiving 2 insulin shots a day and no insulin shots to cover him for 24 hours. He was not receiving any insulin shots on court days until after he came back from court. Only 1 fast acting insulin shot on court days. We found out after Brian was released from jail and obtained copies of his medical records that his glucose was in the 400s or 500s on court days after court abt 3:00 PM. Would you not call this "Cruel and unusual punishment" and a violation of his constitutional, disability and civil rights? This was under his first attorney.

According to medical records in November, 2014, under his 2nd attorney, it looks like there was someone there in the court who tested his blood glucose which was over 500 and gave him insulin. It wouldn't go down much so the U.S. Marshalls took him to Cone Hospital. We were at the court that day and talked to the US Marshalls. They were very upset with the Orange County Jail after they found out that Brian had not gotten insulin before they picked him up. We knew that months ago. Brian had told us that on the phone and also told us that he told the U.S. Marshalls, and they wouldn't believe him. We also noticed and wondered why they always made sure that he was at the Orange County Jail before court days in

Greensboro, NC. There was a jail in Greensboro, NC which he was at from time to time. The Orange County Jail in Hillsborough, NC was over 42 miles from Greensboro where the federal court was which was also a 42 minute trip one way. This would affect his brittle type 1 diabetes as well as make his autism, OCD and anxiety worse. Attorney Placke let this happen under his watch. Cruel and Unusual punishment is a violation of Brian's 8th Amendment of the Constitution.

The court and prosecution then for years kept bringing out that Brian said he was guilty of child porn possession on June 10, 2014 and that he approved of his attorney. They don't bring out any facts, just the WORDS of this man with autism spectrum disorder (ASD) which is a communication & a developmental disability and with his brittle type 1 diabetes, he can become confused and say anything which doesn't make any sense just like anyone who is drunk when his glucose is low (under 70) or real high (over 300). Look at his pro se motions where he wants another attorney from April to September, 2014. The court denied him that while he continued suffering in various jails under the care of Attorney Placke. Brian is innocent of downloading child porn. He is guilty of having brittle type 1 diabetes, autism spectrum disorder (ASD), an ineffective attorney and a federal court which ignores his pro se motions, denies all and denies this disabled person the right to have a medical expert professional witness to testify in Brian's case. Ignoring his disabilities do not make them go away. It just denies this person all of his constitutional, Civil rights and his disability rights. It even goes further; it turns the court into the "Bully" and the "Persecutor". All things that a court of Justice is not supposed to be.

Proof that Attorney Placke was deleting all attachments from all emails we sent. If he was doing that to ours, he was doing the same thing to other potential witnesses who sent their proof to him in emails. We found this out in 2015 when I was forwarding emails from Attorney Placke to my daughter to print out for Brian. We wanted to send proof to the court during Brian's appeal of the emails of proof of at least "benefit of the doubt" to present to the jury in Brian's defense that we had sent this to him, yet he had nothing to offer to the court on June 9-10, 2014 as well as medical proof sent to him about Brian's disabilities in Dec. 2013 as well as Jan. 2014. We found out that he deleted all attachments.

----- Forwarded Message -----
From: Eric Placke <Eric_Placke@fd.org>
To: Ken & Stella <kenstella2007@yahoo.com>
Sent: Monday, December 30, 2013 2:57 PM
Subject: Re: Info pertaining to Brian D. Hill

Mr. and Mrs. Fornish

Thank you for the documents attached to your email, as well as the medical records you faxed earlier today. I look forward to meeting you Thursday afternoon in Winston-Salem.

Eric D. Placke
Assistant Federal Public Defender

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Mr Placke,
Attached are files containing info we believe you should have pertaining to Brian D. Hill. If you have any questions or need to contact us, you can contact us at this email or at phone 276-632-2599. We also sent a fax to your office this morning with medical information about Brian.

We want to thank you for all you are doing to help Brian.

Stella & Ken Forinash[attachment "Asperger's Syndrome Info for Prosecutors.pdf" deleted by Eric Placke/NCMF/04/FDO] [attachment "Brian - Dec. 2013 list of health issues and medical - 2.doc" deleted by Eric Placke/NCMF/04/FDO] [attachment "Brian - Dec. 2013 list of health issues and medical.doc" deleted by Eric Placke/NCMF/04/FDO] [attachment "Fax to Guilford County Jail.doc" deleted by Eric Placke/NCMF/04/FDO] [attachment

3/16/2017

Print

"Ken-Affidavit.jpg" deleted by Eric Placke/NCMF/04/FDO] [attachment "Ken's Affidavit.doc" deleted by Eric Placke/NCMF/04/FDO] [attachment "Roberta-Affidavit.doc" deleted by Eric Placke/NCMF/04/FDO] [attachment "Roberta-Affidavit.jpg" deleted by Eric Placke/NCMF/04/FDO] [attachment "Stella-Affidavit.doc" deleted by Eric Placke/NCMF/04/FDO] [attachment "Stella-Affidavit.jpg" deleted by Eric Placke/NCMF/04/FDO]

So, according to the last of what I shall excerpt from Exhibit 1, my family had emailed Mr. Placke around Monday, December 30, 2013 at 01:24 PM. Mr. Placke responded to their email on the very same day, around 2:57 PM. He responded to the email after 93 Minutes. In that short time period, in his reply, it stated in his reply that "Roberta-Affidavit.doc" deleted by Eric Placke/NCMF/04/FDO]. Other Affidavits in the

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We found out more in 2015 when another friend of Brian's who also knew he was innocent was trying to help Brian and paid for some transcripts that Attorney Placke was acting more like a prosecution attorney than a defense attorney. Brian told the court he had a bad attorney. The court ignored Brian. Defense attorney & Prosecuting attorney kept saying Brian was "delusional". The meaning of "delusional" is characterized by or holding idiosyncratic beliefs or impressions that are contradicted by reality or rational argument, typically as a symptom of mental disorder. "Based on or having faulty judgment; mistaken". "Delusion, illusion, hallucination, mirage mean something that is believed to be true or real but that is actually false or unreal". So no matter what proof Brian sent to the court, from these 2 attorneys' descriptions, the court ignored it all – but accepted all "false" guilty remarks as well as accepting that Brian was satisfied with his attorney.

Brian is not delusional, and he did not want this attorney representing him from April-September, 2014. Not one of his regular medical doctors has diagnosed him as being delusional. Due to both the defense and the prosecution attorneys ignoring his proof of innocence, his actual disabilities from medical doctors as well as all witnesses, it makes the "delusional" seem more real to the court. No proof & no witnesses, Wouldn't that be part of "Fraud on the Court"? Where 2 attorneys get together: A situation in which a material misrepresentation has been made to the court. The overall defining requirement is that the impartiality of the court has been disrupted so significantly that it cannot perform its tasks without bias or prejudice. Judicial fraud; intentionally failing to inform the parties of necessary appointments or requirements, as an effort to impede the judicial process; and/or Schemes considered to be unconscionable, as they attempt to deceive or make misrepresentations through the court system. It is important to note that fraud on the court only involves court officials, or officers of the court, such as judges or court-appointed attorneys. The fraudulent activity must be directed at the "judicial machinery" itself. The threats are starting to make more sense to me now. See the PDF "THREATS". We had

emailed this medical proof to Attorney Placke who deleted them in December, 2013 and January, 2014. We sent the court medical documents in 2014 – 2017. Medical doctors who knew Brian never diagnosed him as being “Delusional”. Diagnoses have always been: Type 1 diabetes, diabetic seizures, autism (a developmental & communication disability), OCD (in Brian’s case, he is scared of germs) and an anxiety disorder. The way these attorneys are using “Delusional” is that Brian is guilty but thinks he is innocent and has no proof. Brian has sent a lot of proof of his innocence to this court from 2014-2017. That is the reason both of these attorneys hide Brian’s proof and ignore his witnesses and the parts of the discovery which proves his communication disability because his false confession does not match with the discovery facts (police report from 2012 & NC SBI report from 2013 & confession tape) that both attorneys had and ignored.

It’s now time for Brian’s family to bring their proof that Brian is INNOCENT, NOT DELUSIONAL and had a very lazy, ineffective defense attorney who time has proven was actually acting as a prosecution attorney against Brian not working for Brian and for Brian’s constitutional, medical and civil rights. It’s time this court actually read all evidence because it is a cardinal principle of our system of justice that every person accused of a crime is presumed to be innocent unless and until his or her guilt is established beyond a reasonable doubt. The presumption is not a mere formality. It is a matter of the most important substance. The presumption of innocence alone may be sufficient to raise a reasonable doubt and to require the acquittal of a defendant. The presumption of innocence until proven guilty means that the burden of proof is always on the government. It is now time with all of this proof to have Brian David Hill acquitted, removed from the sex registry and probation. I also noticed that everything in this court is one sided. I keep reading the police report, a one sided conversation (only Brian is saying words. Police are silent; just what Brian (autism spectrum disorder (ASD) which is a developmental communication disability) says, nothing about what the police say, and like everything else this attorney Placke didn’t do, he should have had this tape examined by a professional in autism as well as another professional to see if parts of this confession tape was erased.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE N. CARLTON TILLEY, JR. Greensboro, North Carolina
UNITED STATES DISTRICT JUDGE June 4, 2014

Part of transcript Case 1:13-cr-00435-TDS Document 131 Filed 11/14/17 Page 56 – 68

Placke:

The report does go into some detail about the conditions, autism spectrum disorder and some other conditions as well, but I think the Government wanted to

Finally, Your Honor, in a letter accompanying one of those motions, Mr. Hill indicated that he wanted new counsel. I’ve spoken with him several times recently

THE COURT: Now, talk to me about -- you're saying you don't want Mr. Placke to represent you, that you want someone else appointed to represent you.

THE DEFENDANT: Yes, Your Honor.

THE COURT: Why is that?

THE DEFENDANT: Because he didn't conduct an investigation like he should have.

THE COURT: I will deny your motion to substitute counsel. That is not a sufficient basis for the appointment of new counsel.

Mr. Hill, let me tell you, the Court has no better lawyer to give you than Eric Placke. Mr. Placke is regarded widely as the best lawyer that practices in this Court, so if you think you're going to get a better lawyer by getting rid of Mr. Placke, the chances are, you're going to be very disappointed.

THE DEFENDANT: I do want to say something. Eric Placke had plenty of time to get a basis. He has not done that. He has not -- if I had the evidence, I would give it to you, but he's not doing it. He should have done that. If it had been the Rutherford Institute or the ACLU, they would have conducted a proper investigation with the FBI or DOJ or other private investigators. This man is not doing it. He's not doing what he is supposed to do to prove my innocence, and because of -- I mean, the

filed on the docket yet, Your Honor. The papers are right over here. And pretty much it contains all the facts that my counsel has not done a good enough job to prove my innocence. My counsel has basically not suppressed the evidence when there was evidence of such. And in these four pages, it explains everything. That is the reason why I withdraw Mr. Placke as counsel.

THREAT EMAILS in APRIL 2013

Child Porn Investigations May Snare the Innocent

Loaded on NOV. 15, 2010 by Michael Rigby (/news/author/michael-rigby/) published in Prison Legal News November, 2010 (/news/issue/21/11/), page 14

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THE COURT: Now, having warned you about that, you've written a letter making allegations against Mr. Placke with respect to some of the facts of the case and some other information you want investigated, and you sent that to the Probation Office. I've seen that letter. Knowing that I've

THE COURT: And you remember telling me that you were pleading guilty because you were, in fact, guilty?

THE DEFENDANT: Yes, sir.

THE COURT: And are you now coming in here and telling me that's not true?

THE DEFENDANT: Permission to speak?

THE COURT: Just a yes or no. Are you coming in here and telling me that's not true?

THE DEFENDANT: Yes, sir.

THE DEFENDANT: Basically, I was being rushed into the jury trial, and all my evidence that I had sent to the court never made docket, and all the suppression stuff never made it. I basically sent stuff to the Clerk of Court with the reasons why, but basically my health is bad. My A1C is 10.9. That's verifiable with the FCI Butner medical records. Because of my health, because of the rush to jury trial, and the fact that there was no defense being sent, that Placke didn't have any kind of defense, I would have been found guilty on the spot

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with up to 20 years hard time in prison. I wanted to fight on my own, but then my family told me over there -- you know, when they were sitting over there, they said take the guilty plea, take the guilty plea, and I was like what? And I was wondering why do they want me to take the guilty plea. And I learned later that basically they said I would have been found guilty on the spot. So I had no chance to -- I had no chance to be able to submit evidence. Everything just -- you know, it's a combination, lack of --

of this issue that you have raised. You mentioned OCD, obsessive compulsive disorder. When you were originally debriefed in this case -- or when you were originally arrested and confronted by law enforcement, you told those officers that someone else must have downloaded those images to your computer, is that correct?

THE DEFENDANT: Yes, sir.

THE COURT: Am I remembering correctly, Mr. Placke?

MR. PLACKE: In part, Your Honor. There was a noncustodial interview conducted the day after the search warrant. It was recorded, and I've listened to it several times, played it with Mr. Hill. That was said initially. Later, the course of the interview changed, and Mr. Hill told

Document 114 Page 8 – 9

the officers that he had downloaded child pornography.

THE COURT: That's right. There was an initial statement, and then later that changed.

Brian had 2 prosecuting attorneys in his case. Both hiding the fact that the discovery proves Brian gave misleading statements and a FALSE confession on Aug. 29, 2012.

THE COURT: So let's say that Mr. Placke went out and got all this evidence to support what you have said about somebody else must have downloaded these images to my computer. You're still left with a problem, and that is you've admitted that you did it. Do you understand that?

NOTE from Brian's grandmother: Between 2% and 10% of convicted individuals in US prisons are innocent according to this report in Oct. 2021. Keeping in mind that there are over 2.3 million incarcerated individuals in the United States, we can see that the number of innocent people behind bars is anywhere from 46,000 to 230,000. When it comes to the number of wrongful

convictions, the US is the undisputed leader, which is quite worrying from 46,000 to 230,000. According to the National Institute of Justice, the main contributing factors for wrongful convictions in the US fall into the following six categories: Mistaken witness or eyewitness identification; False confession; False or misleading forensic evidence, or its misapplication; Perjury or false accusation, informants; Official and government misconduct; Inadequate legal defense. <https://thehighcourt.co/wrongful-convictions-statistics/>

THE DEFENDANT: Well, I believe I have enough evidence to challenge the case and that with the letters I've sent to the FBI, the letters I've sent to the DOJ, I have worked hard in trying to challenge the evidence that the Government has so that I would be able to have enough evidence with an investigation to overturn -- overturn the evidence that the prosecution has and prove my innocence.

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MR. PLACKE:

here today. Dr. Hirsch did identify and make one additional diagnosis that's probably particularly relevant, delusional disorder, persecutory type, and that's discussed in his report as well as in the position paper filed.

There you have it: Brian Hill's court appointed attorney, Placke says Brian is delusional, and then, they all in this court refer to my grandson as "Delusional". Medical doctors who know him do not call him delusional. His family does not see him as delusional. All of his medical doctors say he has autism, brittle type 1 diabetes, Diabetic seizures, OCD and Anxiety disorder. Case 1:13-cr-00435-TDS Document 114 Filed 06/24/15 Page 19.

decisions about -- based on the evidence that's been presented, and I make those decisions, and the case continues to move forward. At this point I am denying your motion for new counsel for the reasons that I have described. Do you

THE COURT: All right. I'm going to tell you that you have been very respectful toward me in the way you have

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Then on September 30, 2014 we found out that both of the government's attorneys (Placke) and the prosecution attorney (Ramaswamy) had ignored all of Brian's witnesses who wanted to testify for Brian that he is innocent. We found this out in court.

Here is part of the court transcript a friend paid for Brian & his family to have. We now see the importance of having transcripts of court cases. They are real revealing and proof that Brian's constitutional rights were violated by both the prosecuting attorney as well as the court appointed attorney, and the court had proof of this as well. Prosecutors have a duty to disclose any and all information that would deprive the defendant of a fair trial, whether the defendant asked for the information or not. If the prosecution fails to disclose this information to you, then they may have committed a Brady due process violation. Like other lawyers, prosecutors are subject to Rules 5.1 and 5.3, which relate to responsibilities regarding lawyers. When a prosecutor knows of new, credible and material evidence creating a reasonable likelihood that a person outside the prosecutor's jurisdiction was convicted of a crime that the person did not commit, paragraph (g) requires prompt disclosure to the court or other appropriate authority. This is the Rule 3.8. In regard to all of the witnesses and proof that was ignored. This proof was also in the discovery from the police & NC SBI (conflicts in both reports & proof that the statements from Brian also conflicted with both reports).

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Now, having said that, I received a declaration from a woman named Susan Basko. Ms. Welch, if you'll hand that to Mr. Ramaswamy. I don't know if you all have seen that declaration. If you'll step forward and take a look. Have you seen that, Mr. Placke?

MR. PLACKE: I have, Your Honor. That is what arrived at our office via email last week, one of several different emails from Ms. Basko.

THE COURT: Have you communicated with her at all?

MR. PLACKE: No, I haven't, Your Honor.

THE COURT: I don't know who she is to make -- she claims she's a lawyer.

MR. PLACKE: I did check with the California State Bar and the Illinois State Bar. She is currently admitted to practice in both states.

THE COURT: Is this Mr. Hill's family in the back?

MR. PLACKE: It is, Your Honor.

THE COURT: Grandparents and mother?

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MR. RAMASWAMY: Frankly, Your Honor, I had not considered it in the manner that the Court has framed it. Early in this matter, very early in this matter, there was an email. I believe because our email addresses are part of the ECF record, Mr. Placke and I received the same email. As Mr. Placke did, I did confirm that she was -- this person was a licensed attorney in California, appears to be a licensed but nonpracticing attorney.

I did not look at it so much in the attorney context because -- as with much of the filings here and some of the things that are from prior proceedings in this court and in the magistrate court related to Mr. Hill that become reported on the internet by persons associated with him that are largely

not representing what actually happened, it appeared that person, the attorney, was yet another one of the ones associated through the internet of reporting things were not factually correct to maintain the actual innocence.

I hadn't considered it in terms of her -- she's the only one of the group who is in that filing to the Court using her credentials as an attorney to bolster her statements, but there are a number of people, not in filings to the Court, but in internet postings who, I'd say, maintain similar positions. That had not been a concern because I think to explore that further may go into some of the issues and the persecution --

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THE COURT: I'll tell you what I'm thinking about doing. Let me hear from Mr. Placke. Mr. Placke, do you want to address any of this?

MR. PLACKE: Just two things, Your Honor. One related to Ms. Basko and some of these other folks. I did review everything that she sent to our office. I did check to see if she was actually an attorney. I was concerned that she was expressing opinions that didn't seem to have a basis in

knowledge of the evidence in the case. She had asked in her email that I present this declaration to the Court. I declined to do that. But I tended to view it like much of the other internet material I had seen related to this case, intended to sort of place her in that category of people. I didn't realize

she was going to send her declaration directly to the Court.

THE COURT: She sent it to be filed on CM/ECF, and the Clerk's Office sent it to me for determination as to whether it should be filed on CM/ECF.

MR. PLACKE: Quite frankly, when she sent it to me, and I just let it sit there declining to do anything further, I thought that was going to be the end of it.

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MR. PLACKE: She actually mentions some folks in there, one of whom I did talk to at length at Mr. Hill's request some months ago, a Mr. Dan Johnson. He -- we spent quite a bit of time on the phone, and he gave me his opinion about exactly what had happened and how I should handle the case and so forth. I asked some pointed questions about how what he was saying would fit in the rules of evidence and the rules of procedure, and that sort of turned the conversation a

little bit. Mr. Johnson is a 20-year-old in Ohio who is very active on the internet and concerned about certain issues and had been in contact with Mr. Hill. After that conversation, I didn't view it as particularly productive for Mr. Hill's defense to continue contacting all these other people.

Anyway, my point there and my first point was simply in trying to triage how to handle things in this case, I tended to put things from Ms. Basko in the same category as my phone conversations with Mr. Johnson, again, not knowing that she intended to send her declaration directly to the Court.

The second thing I would say regarding the whole issue of counsel is Mr. Hill has continued to ask for new counsel. It's continued to be my view that under the circumstances, our office -- I should individually and our office as an office should do everything we can to assist Mr. Hill and as much as possible shrug off, if you will, some

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MR. PLACKE: Your Honor, I received in terms of discovery in this case from the Government two CDs, one of which contained the audio recording of the interview of Mr. Hill, the other of which contained law enforcement reports in PDF format. I've printed those out. The reports are a Mayodan Police Department report dated August 22, 2012, and a

North Carolina State Bureau of Investigation case file dated October 23, 2013. And perhaps in light of everything else, I should just return those to the Government at this point.

THE COURT: Mr. Ramaswamy, I'll note Mr. Placke is returning the material to you. My sealing order does not

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Attorney Sue Basko let the court know that she had contacted both attorneys about proof of Brian's innocence, that Brian had autism and about others being set up by someone sending threats and child porn. She sent these emails to both attorneys in December, 2013 and again in September, 2014.

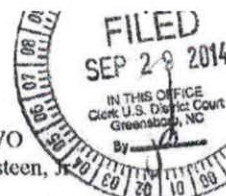
U.S. District Court
North Carolina Middle District

USA v HILL)

)

Case No: 1:13-cr-00435-WO

Chief Judge William L. Osteen, Jr.



Declaration of Susan Basko in Support of Brian David Hill's Motion to Withdraw his Guilty Plea, Motion for a Substitute Attorney, Sentencing, and any other purposes

1. My name is Susan Basko. I reside in Illinois. I can be reached by email at SueBasko@gmail.com and by phone at 310-770-7413. I have a website at <http://suebasko.blogspot.com> and another one at <http://subliminalridge.blogspot.com>

3. I am aware that Brian David Hill is innocent of the charges and I will explain herein how I know this.

4. I am aware that Brian David Hill was a volunteer independent journalist active in independent online media and in the Patriot or Constitutionalist movement. Brian has many such videos on Youtube. Brian was active in supporting the repeal of the NDAA.

5. I am aware that Brian David Hill was part of a group of friends or associates who also are independent journalists or activists in the Patriot or Constitutionalist movement, including the other men I will name in this declaration.

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15. Brian David Hill has autism and diabetes. When Brian has communicated with me, it takes a lot of patience and time and skill to understand his points, because he concentrates on tiny details. I think he needs a disability advocate to help him have a fair trial.

16. I emailed this information about the child porn set-ups very early in this case to both Brian's lawyer, Eric Placke, and to the prosecutor, and did not hear from either one of them.

17. I have been told by Brian's grandparents, Ken Forinash and Stella Burnette, that Brian wants to withdraw his guilty plea because he is innocent and that he wants a substitute public defender. I have communicated these needs of Brian's to the public defender's office head, Louis Allen, as well as to Brian's lawyer, Eric Placke, and to a Senior attorney with the office, Greg Davis.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 24, 2014
signed electronically: /Susan Basko/

Both attorneys ignored her and never replied. When Brian got home in 2014 he got in contact with his friend, Dan Johnson. Dan sent him proof that he had been in contact with an attorney from the Rutherford Institute in January, 2014. They had gotten in touch with Attorney Placke, and just like Attorney Sue Basko, Attorney Placke never replied. The Rutherford Institute is a nonprofit civil liberties organization based in Charlottesville, Va. <https://www.rutherford.org>

[REDACTED]@rutherford.org>
To: Dan Johnson [REDACTED]@pandaunit.org>
Cc: [REDACTED]@rutherford.org, [REDACTED]@rutherford.org>
Tue, Jan 7, 2014 at 3:33 PM

Dan, at this point, we have offered our assistance to Brian's court-appointed attorney and are waiting to hear back from him on where things stand. You're welcome to mention that we have offered our assistance in the case in any PR you do, but beyond that, I don't have an update yet and I don't want to discourage the family from getting the word out. We'll be in touch as soon as we know more on the legal front.

To Dan Johnson who was working with the Rutherford Institute to help Brian. They are telling Dan on Jan. 7, 2014 that they had contacted Brian's court appointed attorney offering their assistance and have not heard back from him. What is the Rutherford Institute? Here is a link to their webpage: <https://www.rutherford.org/about>

Sixth Amendment

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

3.02 Presumption of Innocence; Proof Beyond a Reasonable Doubt. It is a cardinal principle of our system of justice that every person accused of a crime is presumed to be innocent unless and until his or her guilt is established beyond a reasonable doubt. The presumption is not a mere formality. It is a matter of the most important substance. The presumption of innocence alone may be sufficient to raise a reasonable doubt and to require the acquittal of a defendant. The defendant before you, [____], has the benefit of that presumption throughout the trial, and you are not to convict [him/her] of a particular charge unless you are persuaded of [his/her] guilt of that charge beyond a reasonable doubt.

The presumption of innocence until proven guilty means that the burden of proof is always on the government to satisfy you that [defendant] is guilty of the crime with which [he/she] is charged beyond a reasonable doubt. The law does not require that the government prove guilt beyond all possible doubt; proof beyond a reasonable doubt is sufficient to convict. This burden never shifts to [defendant]. It is always the government's burden to prove each of the elements of the crime[s] charged beyond a reasonable doubt by the evidence and the reasonable inferences to be drawn from that evidence. [Defendant] has the right to rely upon the failure or inability of the government to establish beyond a reasonable doubt any essential element of a crime charged against [him/her].

If, after fair and impartial consideration of all the evidence, you have a reasonable doubt as to [defendant]'s guilt of a particular crime, it is your duty to acquit [him/her] of that crime. *Taylor v. Kentucky*, 436 U.S. 478 (1978). **Held:** On the facts, the trial court's refusal to give petitioner's requested instruction on the presumption of innocence resulted in a violation of his right to a fair trial as guaranteed by the Due Process Clause of the Fourteenth Amendment.

The constitutional right to be informed of the nature and cause of the accusation entitles the defendant to insist that the indictment apprise him of the crime charged with such reasonable certainty that he can make his defense and protect himself after judgment against another prosecution on the same charge. No indictment is sufficient if it does not allege all of the ingredients that constitute the crime. Where the language of a statute is, according to the natural import of the words, fully descriptive of the offense, it is sufficient if the indictment follows the statutory phraseology, but where the elements of the crime have to be ascertained by reference to the common law or to other statutes, it is not sufficient to set forth the offense in the words of the statute. The facts necessary to bring the case within the statutory definition must also be alleged. If an offense cannot be accurately and clearly described without an allegation that the accused is not within an exception contained in the statutes, an indictment that does not contain such allegation is defective. Despite the omission of obscene particulars, an indictment in general language is good if the unlawful conduct is described so as reasonably to inform the accused of the nature of the charge sought to be established against him. The right to notice of accusation is so fundamental a part of procedural due process that the states are required to observe it.

<https://caselaw.findlaw.com/us-supreme-court/397/759.html>

"[T]he right to counsel is the right to the effective assistance of counsel." McMann v. Richardson, 397 U.S. 759, 771 n.14 (1970). "[I]f the right to counsel guaranteed by the Constitution is to serve its purpose, defendants cannot be left to the mercies of incompetent counsel" 397 U.S. at 771. As a corollary, there is no Sixth Amendment right to effective assistance where there is no Sixth Amendment right to counsel. Wainwright v. Torna, 455 U.S. 586 (1982) (summarily holding that defendant may not raise ineffective assistance claim in context of proceeding in which he had no constitutional right to counsel)." data-toggle="tooltip" aria-label="McMann v. Richardson, 397 U.S. 759, 771 n.14 (1970). "[I]f the right to counsel guaranteed by the Constitution is to serve its purpose, defendants cannot be left to the mercies of incompetent counsel" 397 U.S. at 771. As a corollary, there is no Sixth Amendment right to effective assistance where there is no Sixth Amendment right to counsel. Wainwright v. Torna, 455 U.S. 586 (1982) (summarily holding that defendant may not raise ineffective assistance claim in context of proceeding in which he had no constitutional right to counsel)."

Brian is innocent of downloading child porn and he, his mom, grandmother & grandfather put the proof of his innocence in the federal court records in November, 2017 in his 2255 Motion. You can see the proof at this website along with all of the proof in many various attachments in Nov. & Dec., 2017 and before those dates. Case 1:13-cr-00435-TDS Document 134 Filed 11/14/17 Page 17 - 99. Filed on Nov. 14, 2017. SEE DOCUMENT NUMBERS 125-134 and more proof on Document Numbers 135-140 and other documents in September, 2014 & 2015. Affidavits from Brian's family as witnesses for him presented to this court on September, 2014: Case 1:13-cr-00435-TDS Document 37 Filed 09/18/14 Page 51 - 55; 59-75. Also read more about what Brian's family told the court in their Notarized Affidavit on January 26, 2018: Case 1:13-cr-00435-TDS Document 143-2 Filed 01/26/18 Page 2 - 22. Brian's Notarized Affidavit on the same date: Case 1:13-cr-00435-TDS Document 143-1 Filed 01/26/18 Page 2 - 19. He was fighting to get his discovery from 2015-2018 by trying to get an attorney to help with his 2255 Motion, requesting FOIA, then after not receiving what he thought was really needed, he brought the Suit: 895 Freedom of Information Act in Danville, VA on April 25, 2017. Hill v. Executive Office for United States Attorneys (4:17-cv-00027). Brian's Notarized Affidavit of INNOCENCE in November, 2017: Case 1:13-cr-00435-TDS Document 134 Filed 11/14/17 Page 17 - 22. Case 1:13-cr-00435-TDS Document 136-1 Filed 12/04/17 Page 19. Document 136-2 Filed 12/04/17 Page 7.

Brian's grandmother felt like he had all of the proof he needed and the witnesses who also viewed the discovery & took notes and talked Brian into going ahead & put his 2255 Motion in the court records in November, 2017 with proof that he is innocent and was in fact a victim. We also put the threats in the court records. Whoever made these threats were the same ones who put that child porn virus in Brian's computer in July, 2012. This person or persons are the real owner of the child porn (virus). Case 1:13-cr-00435-TDS Document 210 Filed 10/21/19 Page 18.

☆ United States v. HILL

Motion to Vacate/Set Aside/Correct Sentence (2255) — Document #125

District Court, M.D. North Carolina

I plead guilty to possession of child pornography because from what I understood, the U.S. Attorney claimed that it was on my computer, regardless of whom put it there, so therefore I thought I was technically guilty of possession of child porn. However at a later time I realized that I was wrong to assume that, that I am entitled to prove the affirmative defense of Frame Up which is recognized by the U.S. Supreme Court. I falsely plead guilty because of ineffective Counsel and deteriorating health. See Brief/Memorandum in attachment to this Motion for more information.

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GROUND ONE: Actual Innocence

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Defendant Brian David Hill ("Defendant"), is asserting the claim of actual innocence based on particular elements of what was discovered after conviction.

The Defendant didn't get to review over the rest of all of the discovery material for the criminal case until January 22, 2015 at the office of John Scott Coalter (court appointed lawyer).

(Confession element)The Defendant confirmed after conviction that he made false confession statements which could have been proven by cross referencing/examining the U.S. Attorney's discovery material. Defendant made a confirmed false confession statement regarding child pornography in his Netbook, regarding the child pornography download date for "about a year or so", and his statement of describing PTHC which stands for "Preteen Hardcore" (excerpt cited from Mayodon Police Report) was fabricated over what was already described in Police detective Robert Bridge's search warrant affidavit and in the Police Report, so Defendant describing what PTHC stood for was already described in Detective Bridge's Affidavit. Defendant exhibited a sophisticated form of echolalia which means he repeated what was already described to him by Police. See Brief/Memorandum in attachment to this Motion for more information.

(Forensic element)The Defendant asserts that the entire "SBI Case File" forensic report is questionable on it's own merits. Making a claim that child pornography downloaded using the eMule program between the dates "July 20, 2012, and July 28, 2013." That same Laptop had been seized on August 28, 2012. The child porn download dates corroborate the claims in various threatening emails from tormail.org. More are stated in the Brief attached.

GROUND TWO: Ineffective Assistance of Counsel

GROUND THREE: Deprivation of due process rights as guaranteed by Fourteenth Amendment. Deprivation of discovery rights

GROUND FOUR: Prosecutorial misconduct - Based upon new evidence that has surfaced in a 2017 Freedom of Information Act ("FOIA") lawsuit and FOIA Appeal case, in the Western Dist. of Virginia.

Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

U.S. Attorney refusing to give me access to my entire criminal case discovery material even though requested via Freedom of Information Act.

Federal civil case "Brian David Hill v. Executive Office for United States Attorneys (EOUSA) et al," case no. 4:17-cv-00027, U.S. Dist. Court for Western District of Virginia.

BRIAN FILED HIS 2255 MOTION on 11/14/17

He got an answer on 1/10/18

NOW COMES the United States of America, by and through Matthew G.T. Martin, United States Attorney for the Middle District of North Carolina, and moves the Court to dismiss the Motion to Vacate, Set Aside, or Correct Sentence filed herein on June 10, 2016, on the ground that the Petitioner's motion is barred by the one-year limitation period imposed by amendments to § 2255 in the Antiterrorism and Effective Death Penalty Act of 1996, P.L. 104-

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Then on Oct. 21, 2019 (2 years later)

**Brian receives a reply to his 2255 motion submitted on 11/14/2017 from
U. S. Magistrate Judge Joe L. Webster**

with respect to his innocence[.]” (*Id.*) The Court acknowledged further that, in addition to his mild autism, obsessive-compulsive disorder, and anxiety disorder, Petitioner had also been diagnosed as having a “delusional disorder, persecutory type.” (*Id.* at 8, 19.) The Court observed that Petitioner’s allegations seemed “entirely consistent with [that] disorder[.]” (*Id.* at 20.) The Court did not permit Petitioner to withdraw his guilty plea. (*Id.* at 2-24.)

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According to the new autism law (Virginia Code § 19.2-271.6) in Virginia (Autism is in other states & countries), but Virginia has proven that people with autism do not have the “criminal intent” or “mens rea”. In all alleged crimes in Virginia, Autism must now be taken into consideration especially those with developmental problems at a young age. When stressed, communications skills may diminish or disappear (even though many are smart). For adults with autism, answers may seem evasive or unconnected to the question that was asked during stressful times. Brian has the proof that he was diagnosed with a developmental disability (PDD) since the age of 3 and Autism at the age of 4. Criminal intent or mens rea must be proven to exist in a crime. Finding child porn on a computer does not prove intent especially when it has been proven in courts that people have on purpose hacked into a computer and put child porn, viruses and other things in a distant computer while the owner is not aware this is happening. If the prosecuting attorney or Brian’s two court appointed attorneys would have taken the time to compare the Mayodan, NC police report in 2012 with the NC SBI report in 2013 with Brian’s false confession, they would have seen that what Brian said to the Mayodan Police conflicted with what the NC SBI Discovery found as well as what the federal government found. All of this started when the Mayodan, NC police department questioned someone with autism spectrum disorder (ASD) and brittle type 1 diabetes at lunch time while ignoring the Americans with Disabilities Act and the medical Civil Rights of Brian David Hill and got a false confession & misleading statements which could be proven and was proven by the Prosecution’s discovery and family’s testimony. Brian Hill said he had been downloading it for a year or so. The police department claimed it had been downloading for 7 days NOT a year. The NC SBI said that it had been downloading for about a year, 11 months of that year was AFTER the police confiscated that computer and the 2 hard drives and memory stick that was connected to that laptop computer due to Brian’s USWGO work (Videos & articles) and private nature photos work (both hobbies).

Medical professionals do say that a person with autism spectrum disorder (ASD) can and do give misleading statements and false confessions. This is a developmental as well as a communication disability that Brian has had since before the age of 4 with a diagnosis at the age of 4. Yet without a medical expert witness, this court has decided that Brian is DELUSIONAL under the guidance & influence of Brian’s first court appointed attorney, Placke. I have noticed that various members of this court keep saying that Brian has a “Delusional Disorder” as they all continue ignoring everything he says, everything he files and everything his family & friends say. Read PDF “Who is Brian Hill – Pictures & Descriptions” (22 pages). Also read the PDF “Brian Hill’s Proof of Innocence for the Court in 2022” (47 pages).

It’s not delusional when you actually PROVE persecution from a local police department due to investigative articles you have written about various people in your town, and a video you put up about rough handling by the police chief in your town who is watching you for an hour at a public town hall

meeting, then removes you due to one question you as an alternative news reporter who obtained a petition of over 200 local residents ask the local town attorney who is also a state senator. See PDF "INVESTIGATION 1" That is all PROOF not delusional. It's not delusional when you actually put in court threats to you & others that someone placed child porn in your computer and will make sure you stay on a sex registry and says they know people in the state who will make sure. Read PDF "Threats". It's not delusional when you prove that your government court appointed attorney (Placke) as well as the government prosecution attorney (Ramaswamy) admit in court that they both have been ignoring witnesses for the defense. Read PDF "INVESTIGATION 2" for actual proof.

Was this "delusion" something both of these attorneys came up with to ensure the court would continue to ignore everything Mr. Brian David Hill put in court, continue ignoring all proof and witnesses like none of it exist? Brian David Hill is innocent. Read the PDF "Brian Hill's proof of Innocence for the court in 2022" by Brian's family who realize Brian has gotten nowhere due to this "Delusional" per his own Defense (prosecution) attorney Placke who according to some judges in the Middle District of NC is the best attorney! We use Brian's own proof as well as the Prosecution's Discovery to prove his innocence as recorded in all PDF's. One final note: the Government's attorneys fought to make sure Brian would not get a copy of the Discovery used against him because they probably know as we found out that their discovery proves the mild Autism and type 1 Diabetic specialist correct that when someone with autism who also has diabetes is questioned alone at lunch time by a police department that ignores the "Americans with Disabilities Act" will give misleading statements and a false confession. A lazy attorney who ignores and deletes all proof of innocence, ignores all constitutional laws, medical disabilities and all witnesses for the defense can benefit by bringing out "delusional" and the prosecution who also ignored all can benefit too. After all, the judges can ignore everything Brian puts in court because when a person is delusional, characterized by or holding idiosyncratic beliefs or impressions that are contradicted by reality or rational argument, based on or having faulty judgment; mistaken.

Please read the PDF "Danville, VA – Brian – Discovery". Brian and his family can't afford an attorney so his family has decided to bring all of the "PROOF" to this court per various PDF's that BRIAN DAVID HILL is INNOCENT.

Brian and his family thank you, Magistrate Judge Webster for this comment:

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Petitioner is correct that there is an actual innocence exception to the one-year time limitation. *McQuiggin v. Perkins*, 133 S.Ct. 1924, 1928 (2013). However, to establish actual innocence, "a petitioner must show that it is more likely than not that no reasonable juror would have found petitioner guilty beyond a reasonable doubt." *Schlup v. Delo*, 513 U.S. 298, 327 (1995); see *McQuiggin*, 133 S.Ct. at 1935. "[S]uch a claim requires petitioner to support his allegations of constitutional error with new reliable evidence—whether it be exculpatory scientific evidence, trustworthy eyewitness accounts, or critical physical evidence—that was not presented at trial." *Schlup*, 513 U.S. at 324. Petitioner has not met this high burden.

OK, U.S. Mag/Judge Joe L. Webster and the other judges in Brian's case, Brian and his family did prove that over 4 years ago. We (Brian and his family who are law abiding citizens and give trustworthy eyewitness accounts with PROOF). Why do you, attorneys in your district and other judges keep ignoring us? Why do you all keep denying Brian expert medical witnesses? Why did you all fight him in Danville, VA to get his discovery? You know, the same discovery that one of your attorneys threatened Brian's family if they didn't tell Brian to say he is "guilty" this discovery would get him 20 years in prison on June 9, 2014. His attorney would not let Brian or Brian's family see this discovery. When we did see it, we discovered that this discovery along with other proof we had is the proof we need to prove he's innocent. That's ok, we all presented this proof to the court over 4 years ago: Almighty God is our main witness. Nov. 2017 along with more proof of other ways your attorneys & judges deprived Brian of his Medical Civil Rights and his Constitutional Rights. All of you need to read our PDF with PROOF "- Brian's Treatment in Jail – Brittle Diabetes, Autism & OCD". If you took the time to actually read his 2255 Motion, Brian David Hill has met his high burden of proof. Even then, we have decided to add more and due to his disabilities & this court reference constantly to the false claim of "Delusional" giving the court a false unconstitutional reason to ignore all. Brian's family talked Brian into letting his family present this information to the court.

g. The Merits

As explained above, all of Petitioner's grounds are time-barred. However, if the Court were to reach the merits of Petitioner's grounds for relief, it would deny them.

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Ground Two:

Did you actually read his 2255 Motion? Why don't you ever say anything about the witnesses in his 2255 Motion? What part that Brian's witnesses have written do you not agree with? Do you think Brian's mother is lying? Do you think that Brian's grandparents are lying? Do you think Attorney Susan Basko is lying? Is it justice for all or justice for some? Do you consider he is guilty due to his disabilities? Are you aware that saying one is guilty is part of his disabilities when all of his disabilities are ignored and everyone is ignoring the Federal "Americans with Disability Acts"? There are many different cards for autism that people can buy to explain autism and type 1 diabetes. I haven't seen any cards which say "I am delusional. Ignore everything I say". Do you know who Attorney Susan Basko who testified for Brian in September, 2014 is? Are you aware that she is an attorney for independent journalist? Brian (USWGO) was from 2009-2013 a volunteer independent journalist with disabilities. She is also Attorney and Counselor, U.S. Supreme Court. Here are two links to her web pages:

<https://www.linkedin.com/in/suebasko> <http://suebasko.blogspot.com/p/about.html>

Mag/Judge Joe L. Webster and other court judges, here is what we have witnessed from you, most attorneys and judges in the Middle District of NC. You all keep saying these adjectives over & over "He says he's guilty", "child porn possession", "Delusional". None of you bring out the FACTS according to the NC SBI – the child porn you claim he possessed was being downloaded on his computer for 11 months when it was in the possession of the Mayodan, NC police & the Greensboro, NC SBI – so the computer belonged to Brian for 39 days of that year. He did not even know it was there and still does not know for sure. I see where all of you have taken someone with autism Spectrum Disorder (ASD) and keep moving him to various jails & prisons, you all have had him evaluated by someone who works for the Butner Prison twice and doesn't seem to understand autism. You all have put him in jails and prisons

giving him insulin for breakfast & dinner (none for lunch and not the type insulin that's suppose to carry for 24 hours, you did not give him food according to the Diabetic diet.

On court days he would not get insulin until that evening. He is a brittle type 1 diabetic since 1992. For 4 days in the Winston Salem jail in 2013, he had no insulin at all. For the first few days he was in Butner prison, he was given no insulin until he almost died, and it was explained to us that when he was transferred to Butner, he had no medical papers, and they couldn't take Brian's word that he was diabetic. I guess he must have gone unconscious, and that's when they realized that he wasn't lying, and they did feel bad about it, and let Brian call us and told us too on the phone what happened. There are a lot more stories I can tell you about Brian and his diabetic experiences in other jails. This court gives him attorneys who do not really represent him, meaning he has an attorney in name only, then when he files papers himself, you & the other judges in that area deny everything saying he has an attorney. You all call him "delusional" while ignoring his real disabilities and ignoring all of the proof he has sent you and ignoring all of his witnesses. You only want to hear one thing from him since 2012 "Guilty of possessing child porn". Anything else, all of you ignore. The PROOF is in all court records. The government had 2 witnesses: 2 police detectives. Brian had many witnesses who offered to testify. Your attorneys made sure to ignore all and hide them from the court. Brian had a lot more proof of his innocence than what your attorneys had. In fact, Brian & his family discovered that he can use your discovery to prove more about his innocence. We are basing Brian's on FACTS. The court is basing theirs on WORDS from a disabled person (communication disability) during a very stressful time & lazy attorneys.

All attorneys also ignored the fact that the proof of Brian's false guilty was revealed in what he said to the Mayodan, NC police and what the NC SBI Discovery revealed that Brian gave false answers due to being questioned alone (autism violation) at lunch time when his blood glucose would go low without testing his blood glucose (His mom was at the police station), but the police ignored when she told them about his disabilities and ignored the Americans with Disabilities Act. Doing this, they were also breaking Constitution and Civil Rights laws to get a guilty plea from an innocent young man at the age of 22 with many disabilities. The autism and American Diabetic Association explains how both can cause unreliable answers when ignoring these disabilities. Then the NC SBI discovery report goes further by showing that child porn or items of interest was being placed on Brian's laptop computer for 11 months after the police confiscated this laptop computer.

Both attorneys knowing that Brian was innocent worked together to get him to give another guilty plea to the court in June 2014 by using his family. His attorney called his grandparents and his mom the night before his case was going to trial (the Sixth Amendment guarantees the right to a speedy and public trial) to tell them to tell Brian to say "Guilty" because his attorney had nothing to offer to the court, and Brian would get 20 years in prison. His attorney would not let Brian or Brian's family see the NC SBI Discovery from 2013. Brian and his family already had the Mayodan, NC report from 2012. (Not the tape – we would have proven that false too). Didn't get to see the NC SBI report until January, 2015 which proved he was innocent and his 2 attorneys and the prosecuting attorney who has been on Brian's case from the very beginning had this report and ignored it like everything else. Jails were not giving Brian insulin on court days until after he came back to the jail. That is another human civil rights violation that can be proven. Brian was in bad physical & mental shape every court day due to his autism, OCD and brittle diabetes with no medical prescribed insulin and courts ignoring his disabilities. Using his disabilities was in fact how they got the "guilty words" from him. His actions are opposite of the words they got. Brian Hill is innocent and is a victim. Read more of the threats he and others who have tried to help him have received. These threats seem to imply that NC SBI, judges (same prosecution attorney the entire time) will make sure Brian stays on the sex register from the things they are sending to Brian's computer in 2012 and again in 2015 by phone text to him & emails to others.

One magistrate judge in the middle district of NC made this statement about Brian David Hill's 2255 Motion of Actual Innocence. "The Merits: As explained above, all of Petitioner's grounds are time-barred. However, if the Court were to reach the merits of Petitioner's grounds for relief, it would deny them". Case 1:13-cr-00435-TDS Document 210 Filed 10/21/19 Page 19 of 27. In view of all of the constitutional and civil rights violations in the middle district of NC, Brian & his family ask that this case be moved to the Roanoke, VA federal court to have a judge and a committee to review all of Brian's & his family's proof of his Innocence. Brian's probation office is located in Roanoke, VA. Brian has been a citizen of Martinsville, VA since August, 2012. North Carolina has been very unfair to Brian, ignoring all witnesses, proof, Constitutional laws, Civil Rights laws and Americans with Disabilities laws to keep an Innocent, disabled man on a sex registry just like the person who put this virus on his computer said that they knew people in NC who would make sure regardless of any proof Brian had.

After you read all proof that Brian David Hill is innocent of putting child porn in a computer. That he is in fact a victim of whoever has made these threats and admits to putting this on Brian's computer, and the prosecution's discovery from NC SBI have proved it (CP Virus) was on Brian's computer for 11 months after police got it, and all of our other proof of innocence and ineffective attorneys. I was the owner & administrator of a licensed family care home in NC in the early 1980s and took a special class about the legal rights of disabled people. We ask that Brian is acquitted, removed from probation and the sex registry. Please read the PDF "THREATS" and all 8 PDF's.

Before signing out, let's look at some important dates together: I just found some more things in April, 2022 (Autism Awareness month).

March – July, 2012 Brian was attending Mayodan, NC town hall meetings, writing about it on USWGO. He had also obtained a petition in Rockingham County, NC signed by over 200 people about the unconstitutional parts of the NDAA. He was also sending emails to the Mayodan police chief and all of the towns in Rockingham County, NC and many to various people in Mayodan, NC. We later found out that Brian's IP address is in every email: 24.148.156.211.

July 10, 2012 Brian put a video about the Mayodan police chief grabbing his arm on July 9, 2012 and making him leave the public town hall meeting when Brian went up to the Mayodan lawyer who is also a NC state senator to ask him a question about the petition. Brian also wrote an article about it on USWGO.

July 12, 2012 Police go up to Brian's mom (first time this has happened since moving to Mayodan in 2005) and asked her if she saw a little girl on the street and where did she (Brian's mom) live, which house. Brian got on the internet and wrote about it saying "The police are harassing my mom". He thought the police were going to do something to set him or his mom up due to articles he had been writing and try to have one of them arrested. He wrote this in that article. Document 132 PAGE 78-81, 86-88

July 20, 2012 - July 26, 2012 According to the Mayodan police, child porn is being downloaded on Brian's computer.

July 20, 2012 – July 28, 2013 Files were being downloaded to Brian's computer according to the NC SBI.

August 28, 2012 There was a police raid done at Brian's & his mom's house where the police in Mayodan got all of their computers, hard drives, etc which included all of their photo memories (including some family members & cats who were now dead), all of Brian's USWGO articles & videos, all of his mom's poems and PDF's for her books. She is an author.

August 29, 2012 Police interrogate Brian's mom then Brian at lunchtime. Brian is disabled and the police did not obey Americans with Disabilities laws and got a false confession & misleading statements from Brian.

August 22, 2012 2 police got together and hacked into Brian's computer without a search warrant.

I just discovered something else very important. Reidsville, NC police detective Robert Bridge on July 20, 2012 hacked into Brian's computer without obtaining a search warrant. He is the brother of the Rockingham County Asst District Attorney who had been working for years with Philip Berger Jr (Rockingham County Distict attorney) who is the son of the NC Senator & Mayodan lawyer, Phil Berger whom Brian had been investigating and writing articles about in June – July, 2012 (USWGO).

Your affiant then selected the option to monitor a particular IP address; in this case 24.148.156.211 on July 20, 2012. When the IP address was online in the eDonkey Network, your affiant's computer would automatically begin to download the files available for trade by the suspect computer. This is done through a law enforcement-only designed system, which your affiant refers to as Undercover Investigative Software (hereinafter referred to as UIS), currently used in state and local Peer-to-Peer P2P file sharing investigations and utilized through the CPS suite of tools. It this particular case it was used to request a download of the files of child pornography from IP address 24.148.156.211. Downloading is a transfer of data from one computer to another. Since your affiant was doing the download, your affiant was receiving data, which was transmitted from another computer. This software is designed by and for law enforcement and only available to law enforcement officers who have attended the appropriate training. Your affiant has done so and conducts that training for others. The UIS is designed to connect directly to one IP address and browse or download from one specific peer at a time using technology to block all other IP addresses from delivering any piece of the file. The UIS is a P2P file sharing client similar to other file sharing which are free and available to the public.

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According to the North Carolina Bureau of Investigation's Case number 2012-02146 915, files of interest were being downloaded from July 20, 2012 until July 28, 2013. This was the time frame of 11 months when Brian Hill no longer had that laptop.

"None of the children have been identified as part of a known series by the National Center for missing and exploited children (NCMEC)" Document #33, Filed 09/16/2014, Page 6 of 26

Presenting these facts on these 2 pages alone is enough to prove to a judge or to a jury that Brian David Hill is innocent of downloading child porn. Case closed. Acquit Brian David Hill, take his name off of the sex registry, remove him from probation. Then an investigation needs to be done. Think of all of the torture he & his family have been through for almost 10 years.

Thank you. Stella Forinash (Brian's grandmother); Martinsville, VA. Email: stellaforinash@yahoo.com

Kenneth R. Forinash reading this & a witness that Brian is innocent as well as knowing about lies to all of us from police in this case.